

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Joshua Copenhaver Nelson,

Plaintiff,

v.

Wanza Jackson, *et al.*,

Defendants.

Case No. 2:12-cv-1167

Judge Graham

Magistrate Judge King

Order Adopting Report and Recommendation

This matter is before the court on the magistrate judge's October 29, 2014 Report and Recommendation. The magistrate judge recommended that the court deny plaintiff's post-judgment motion under Fed. R. Civ. P. 59(e) and 60(b) to amend the judgment and for relief from judgment. The magistrate judge recommended that the court find that it lacks jurisdiction over the issues presented by the motion because plaintiff's simultaneously-filed notice of appeal divested this court of jurisdiction. See Pickens v. Howes, 549 F.3d 377, 383 (6th Cir. 2008). Though plaintiff has objected to the report and recommendation, he expressly acknowledges that the court lacks jurisdiction. The court therefore denies plaintiff's objection (doc. 107) and adopts the Report and Recommendation (doc. 05).

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: May 8, 2015